

106TH CONGRESS  
2D SESSION

# H. R. 5395

To provide for qualified withdrawals from the Capital Construction Fund (CCF) for fishermen leaving the industry and for the rollover of Capital Construction Funds to individual retirement plans.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 5, 2000

Mrs. CAPPS (for herself and Mr. WU) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To provide for qualified withdrawals from the Capital Construction Fund (CCF) for fishermen leaving the industry and for the rollover of Capital Construction Funds to individual retirement plans.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Fairness for Fishing  
5 Families Act”.

1 **SEC. 2. EXPANSION OF PURPOSES OF THE CAPITAL CON-**  
2 **STRUCTION FUND BY AMENDING THE MER-**  
3 **CHANT MARINE ACT OF 1936.**

4 Section 607(a) of the Merchant Marine Act, 1936 (46  
5 U.S.C. App. 1177(a)) is amended by striking “of this sec-  
6 tion.” and inserting “of this section. Any agreement en-  
7 tered into under this section may be modified for the pur-  
8 pose of encouraging the sustainability of the fisheries of  
9 the United States by making the termination and with-  
10 drawal of a capital construction fund a qualified with-  
11 drawal if done in exchange for the retirement of the re-  
12 lated commercial fishing vessels and related commercial  
13 fishing permits.”.

14 **SEC. 3. NEW QUALIFIED WITHDRAWALS.**

15 (a) AMENDMENTS TO MERCHANT MARINE ACT OF  
16 1936.—Section 607(f)(1) of the Merchant Marine Act of  
17 1936 (46 U.S.C. App. 1177(f)(1)) is amended—

18 (1) in subparagraph (B) by striking “vessel, or”  
19 and inserting “vessel,”;

20 (2) in subparagraph (C) by striking “vessel.”  
21 and inserting “vessel,”; and

22 (3) by inserting after subparagraph (C) the fol-  
23 lowing new subparagraphs:

24 “(D) the payment of an industry fee au-  
25 thorized by the fishing capacity reduction pro-  
26 gram, 16 U.S.C. 1861,

1 “(E) in the case of any such person or  
2 shareholder for whose benefit such fund was es-  
3 tablished, a rollover contribution (within the  
4 meaning of section 408(d)(3) of the Internal  
5 Revenue Code of 1986) to such person’s indi-  
6 vidual retirement plan (as defined in section  
7 7701(a)(37) of such Code), or

8 “(F)(i) for the payment of a corporation or  
9 person terminating a capital construction fund  
10 and retiring related commercial fishing vessels  
11 and permits.

12 “(ii) The Secretary by regulation shall es-  
13 tablish procedures to ensure that any person  
14 making a qualified withdrawal authorized by  
15 (F)(i) retires the related commercial use of fish-  
16 ing vessels and commercial fishery permits.”.

17 (b) AMENDMENTS TO INTERNAL REVENUE CODE OF  
18 1986.—Section 7518(e)(1) of the Internal Revenue Code  
19 of 1986 (relating to purposes of qualified withdrawals) is  
20 amended by inserting after subparagraph (C) the fol-  
21 lowing new subparagraphs:

22 “(D) the payment of an industry fee au-  
23 thorized by the fishing capacity reduction pro-  
24 gram, 16 U.S.C. 1861,

1           “(E) in the case of any such person or  
2           shareholder for whose benefit such fund was es-  
3           tablished, a rollover contribution (within the  
4           meaning of section 408(d)(3) of the Internal  
5           Revenue Code of 1986) to such person’s indi-  
6           vidual retirement plan (as defined in section  
7           7701(a)(37) of such Code), or

8           “(F)(i) for the payment of a corporation or  
9           person terminating a capital construction fund  
10          and retiring related commercial fishing vessels  
11          and permits.

12          “(ii) The Secretary by regulation shall es-  
13          tablish procedures to ensure that any person  
14          making a qualified withdrawal authorized by  
15          (F)(i) retires the related commercial use of fish-  
16          ing vessels and commercial fishery permits.”.

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